

REMARKS

The pending Office Action addresses claims 70, 71, and 73-101. Claims 70, 71, and 73-90 are allowed, claims 92 and 99-101 are objected to, and claims 91 and 93-98 stand rejected. Reconsideration and allowance is respectfully requested based on our telephone conversation of today, August 15, 2007, and the remarks submitted herewith.

At the outset, Applicant would like to thank the Examiner for speaking with Applicant's attorney about the current rejection over the telephone. As was discussed, the Examiner erred in rejecting claims 91 and 93-98 because independent claim 91 corresponds to claim 82 rewritten in independent form. In the Office Action dated January 25, 2007, the Examiner found claim 82 to represent allowable subject matter if rewritten in independent form, including all of the limitations of the prior base claim. Accordingly, Applicant rewrote claim 82 in independent form as claim 91 in the response dated May 9, 2007. The Examiner then erroneously issued a final rejection that failed to recognize this allowable subject matter. Per the Examiner's request during today's telephone conversation, Applicant now submits this response.

Claim Rejections Pursuant to 35 U.S.C. § 102**U.S. Patent No. 4,892,429 of Giannuzzi**

The Examiner rejects claims 91, 93, 94, and 96-98 pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,892,429 to Giannuzzi. In particular, the Examiner repeats previous rejections from the Office Action dated January 25, 2007, failing to recognize that independent claim 91, as drafted, includes subject matter that was deemed allowable. In particular, independent claim 91 includes the limitation that the claimed suture anchor system includes a *bioabsorbable* suture anchor. Giannuzzi, which teaches a roof anchor, does not teach an anchor that is bioabsorbable. Accordingly, independent claim 91, as well as claims 93, 94, and 96-98 which depend therefrom, distinguishes over Giannuzzi and represents allowable subject matter.

Rejections Pursuant to 35 U.S.C. § 103

U.S. Patent No. 4,892,429 of Giannuzzi

The Examiner rejected claim 95 pursuant to 35 U.S.C. § 103(a) as being obvious over Giannuzzi. As noted above, independent claim 91 distinguishes over Giannuzzi at least because Giannuzzi does not teach or even suggest a suture anchor system that includes a *bioabsorbable* suture anchor. At least because it is dependent from an allowable base claim, claim 95 distinguishes over Giannuzzi and represents allowable subject matter.

CONCLUSION

Applicant submits that all claims as submitted in its previous response dated May 9, 2007, are in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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